



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 60-5	Subject: <b>ADULT OFFENDER GOOD TIME</b>
Reference: <a href="#">DOC 1.5.1</a> ; <a href="#">DOC 3.4.1</a> ; <a href="#">2-15-112 MCA</a> ; <a href="#">53-1-203, MCA</a> ; <a href="#">53-30-105, MCA</a> (Repealed 1/31/1997)	Page 1 of 3
Effective Date: 06/17/02	Revision Dates: 10/06/08
Signature / Title: /s/ Ron Alsbury	

### I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures to inform eligible offenders of Good Time accrual, to process Good Time credits according to statute, and to revoke previously granted Good Time credits.

### II. DEFINITIONS:

Discharge Date – The date on which the offender finishes a prison, Department of Corrections (DOC or Department) or Department of Public Health and Human Services (DPHHS) term of incarceration or parole.

Eligible Offender – An offender who committed an offense **prior to January 31, 1997**, and whom a court sentenced to Montana State Prison, the Montana Women's Prison, DPHHS or DOC. An eligible offender is serving the sentence of imprisonment, commitment, or is on parole for the offense.

Good Time Credit – The number of days an offender may receive as a credit on their sentence and appropriate under the policy in effect at the time the offender earned the credit.

### IV. PROCEDURES:

#### A. Availability of Credit

1. Eligible parolees are informed of the Good Time statute and that the credit is available:
  - a. during the time an offender is serving a prison sentence, a DPHHS commitment, or a DOC commitment;
  - b. wherever the offender serves the sentence;
  - c. for time the offender serves in jail before sentencing if a magistrate or judge set bond and the offender did not post it;
  - d. as one day of Good Time credit for each day the offender serves.
2. Good Time Credits are not available:
  - a. for offenders participating in the Treasure State Correctional Training Center or Intensive Challenge Program;
  - b. for offenders found guilty but mentally ill and are sentenced to serve a term at the Montana State Hospital; or
  - c. for offenders serving probationary time on a deferred or suspended sentence.

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### **B. Calculation of Discharge Date**

The Department will calculate an offender's discharge date by first calculating the maximum date the offender would stay in prison if good time credits were not given, then subtracting the credits given from the maximum sentence date.

P&P Officer  
BOPP/Prison Records

For eligible paroled offenders receiving Good Time credit, the discharge date is the date of the parole certificate.

### **C. Forfeiture/Restoration of Good Time**

The Director, or a designee, must approve the forfeiture and/or restoration of Good Time credits.

1. The Disciplinary Hearings Officers, Regional Administrators (RA), or Probation & Parole (P&P) Hearings Officers, after a hearing for an eligible offender, may recommend **forfeiture** of any or all previously earned Good Time credits.

- a. *P&P 140-1(G) Request to Forfeit Offender Good Time* must be completed and submitted to the Adult Community Corrections Division (ACCD) Administrator, specifying the number of days to be forfeited. (See *P&P 140-1 Adult Offender Discipline and Disciplinary Hearings* and *P&P 140-2 Preliminary (On-Site) Hearings*.)

RA/POII

- b. The ACCD Administrator will review the *Request to Forfeit* and forward to the Department Director, with a recommendation for forfeiture of Good Time credit.

ACCD Administrator

- c. If the Director agrees, paperwork will be forwarded to appropriate parties for recalculation of the discharge date.

DOC Director

The offender has the *right to appeal* through procedures referenced in the above two procedures.

2. If the offender maintains good behavior the ACCD Administrator may recommend that the Director **restore** any or all Good Time credits the offender previously forfeited.

- a. The offender must request the restoration from the supervising P&P Officer.

Offender

- b. The P&P Officer will fill out *P&P 60-5(A) Application for Restoration of Forfeited Good-Time* and make a recommendation to the ACCD Administrator.

P&P Officer

- c. The ACCD Administrator will forward *the Application for Restoration*, with a recommendation, to the Director.

ACCD Administrator

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- d. If Director agrees, paperwork will be forwarded to appropriate parties for recalculation of discharge date.

DOC Director

**D. Offender Procedure to Challenge Sentence Calculation**

An offender who believes their sentence discharge date has not been properly calculated may challenge the calculation:

1. The offender must submit *P&P 60-5(B) Application to Challenge Sentence Calculation* to the prison records department and to the Department Legal Services Unit, specifying how, in the offender's opinion, the Department has not correctly calculated the sentence discharge date.
2. The prison records' department, in conjunction with the Department Legal Services Bureau, will respond to the offender's inquiry within 45 days with a complete computerized calculation of the offender's sentence(s).
3. If the offender is not satisfied with the Department's response, the offender may initiate habeas corpus litigation in the appropriate court.

Offender

Prison Records  
DOC Legal Services

Offender

- V. CLOSING:** Questions concerning this procedure shall be directed to the RA, P&P Bureau Chief, or ACCD Administrator.

**Forms**

P&P 60-5(A)	Application for Restoration of Forfeited Good-Time
P&P 60-5(B)	Application to Challenge Sentence Calculation
P&P 140-1(G)	Request to Forfeit Offender Good Time